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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,630	12/29/2000	Joanne S. Walter	9003	9263
26884	7590	09/12/2005	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			VINCENT, DAVID ROBERT	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/751,630	WALTER, JOANNE S.
	<b>Examiner</b> David R. Vincent	<b>Art Unit</b> 3628

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 25 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

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***Response to Amendment***

1. Applicant filed a RCE and an amendment 5/25/05. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

***Claim Objections***

2. Claim 12 is objected to because of the following informalities: a storage device cannot be a barcode, but can be a bar code reader. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veeneman (US 5,754,981 of record).

Veeneman discloses (see columns 1-16, but in particular columns 1-6) coupling an electronic consumer device (e.g., home

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personal computer or electronic telephone, col. 6, lines 12-19) to a computer (26) of a business (using e.g., a remote computer modem, 37, Figs. 1 or 3; wireless transceiver 54, Fig. 2; on-line, col. 9, lines 28-37),

accessing a personal data preferences program (col. 4, lines 16-33),

recording personal data preferences (Figs. 1-10E; recording name and/or wedding data that registrant wants to use, Figs. 9-10E or recording gift data via a bar code reader, col. 5, line 54-col. 6, line 2) identifying types (e.g., personal data such as names, gift data such as dollar amounts/ranges, col. 9, lines 32-38; classifications, col. 13, lines 37-41) of personal data of a consumer (Figs. 9-10; col. 5, lines 54-56; other gift data in columns, col. 10, lines 18-38; col. 11, lines 39-67; col. 13, lines 25-28) and privacy options associated with the personal data (e.g. using passwords, col. 7, lines 18-34) that limit collection, use, and dissemination of the personal data by the business as selected by the consumer (col. 7, lines 18-34; only those that know the password(s) can access the registrant's most personal data and/or modify said data, col. 8, lines 56-62; even gift givers are not going to be allowed access to the registrant's credit card data, col. 7, lines 63-67),

coding the selected personal data preferences (e.g., computer 26 coding the selected gift items or merely entering the registrant's data into a computer system requires coding into at the very least computer/binary codes; e.g., coding the registrant's name into a bar code, Fig. 9; col. 7, lines 18-34; unique ID, col. 8, lines 4-6),

downloading the coded personal data preferences (e.g., wanted gift items or name of registrant, Fig. 9) to the consumer

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device (remote home computer storing cookies while talking to main computer 26 when registering or selecting gift items; or telling the bar code reader who is using it and what their gift price ranges are),

transferring the coded personal data preferences to a storage media (memory in bar code reader, col. 5, lines 54-64; using a floppy disk, col. 5, line 64-col. 6, line 2; writing onto paper, col. 10, lines 18-38) such as a key flock or access card (bar code memory or floppy disk, col. 5, line 54-col. 6, line 2),

reading the coded data (interacting with the bar code reader and or storage mediums while logging wanted gifts, or when gift givers access the data to know what the registrant wants; control by second user, col. 2, lines 39-45),

limiting the collection, use, and dissemination of the personal data by the transaction computer (one of the computers accessed in the network, col. 6, lines 53-67; Fig. 4; col. 2, lines 35-55; using passwords, col. 7, lines 18-34; only those that know the password(s) can access the registrant's most personal data and/or modify said data, col. 8, lines 56-62; even gift givers are not going to be allowed access to the registrant's credit card data, col. 7, lines 63-67), and using magnetic strip readable formats (col. 5, line 54-col. 6, line 2).

However, although Veeneman discloses a user entering personal data at a computer terminal (e.g., home personal computer, col. 6, lines 12-16), recording personal data preferences (Figs. 1-10E; recording name and/or wedding data that registrant wants to use, Figs. 9-10E or recording gift data via a bar code reader, col. 5, line 54-col. 6, line 2) and that

the main computer/server can be remote and/or connected via a wireless (bar code scanner with memory being wireless) or wireline network, and that personal data preferences (e.g., wanted gift data) can be downloaded from the bar code reader to the bar code memory or floppy disk.

Veeneman fails to particularly call for downloading personal data preferences to the consumer device (such as sending the bar codes to the home computer), as specified in claims 1, 9, and 17.

It is obvious that the personal data preferences (e.g., selected via bar code reader gifts) which were downloaded to the floppy disk of the bar code reader and transferred to the main computer (26, Fig. 1; col. 5, line 54-col. 6, line 2) could have been downloaded to the consumer device (home personal computer, col. 6, lines 12-16), by simply sending the coded data in bar code form or any other computer format to the personal home computer via the Internet using the disclosed WAN, modems and/or phone lines because this would allow the registrant to compare the bar codes of the selected/wanted gifts to the bar codes shown in a catalog (col. 6, lines 19-24).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. Vincent whose telephone number is 571 272 3080. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571 272 6799. The fax phone number for the

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organization where this application or proceeding is assigned is  
571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David R Vincent  
Primary Examiner  
Art Unit 3628

August 31, 2005